

### **REMARKS**

Claim 3 has been cancelled. Claim 1 has been amended. Claims 1 and 4 are pending. Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

#### ***Claim Rejections – 35 U.S.C. § 103***

Claims 1, 3, and 4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Madour et al. (U.S. Patent No. 6,907,016) in view of Jiang et al. (U.S. Patent No. 6,519,457). Applicants respectfully traverse this rejection.

Applicants have amended claim 1 to more particularly claim the present invention and to include all of the limitations of claim 3, which is now cancelled. Madour only teaches how to perform a dormant mode handoff. *See, e.g.* the Abstract (“a method and system for performing a **dormant** hand-off for a **dormant** Mobile Node” (emphasis added)). The present invention discloses a method for performing an active handoff while the Mobile Station is in an active mode. Element (b) of claim 1 has been amended to reflect this difference. The current invention discloses a method for performing a soft handoff while in the active mode in a 3G IMT-2000 wireless network with a much lower likelihood of lost data than previous soft handoff methods.

Obviousness requires that each and every element of the claim be present in a combination of references along with a teaching, motivation and suggestion of success in combining them. *See* MPEP § 2143. The motivation to combine reference must be “clearly and particularly” taught in the references. *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). A modification to a reference that renders a reference unsatisfactory for its intended purpose is not obvious. *See* MPEP § 2143.01.

The Examiner has pointed to no reference that “clearly and particularly” teaches one of ordinary skill in the art to modify the dormant mode soft handoff in a 3G network of Madour by creating a direct link between BSCs as disclosed by Jiang. This is likely because such a combination would not function. A BSC in a 3G network, as disclosed by Madour, operates in a packet switched manner, while a BSC in a 2G network, as disclosed by Jiang, operates in a circuit switched manner. 3G BSCs and 2G BSCs are therefore not interchangeable. The teachings of Jiang are simply not applicable to a third generation network as disclosed by the present invention and Madour. BSCs in 3G networks are often called Radio Network Controllers (RNCs) in order to prevent confusion between distinct devices (BSCs in a 2G network vs. BSCs/RNCs in a 3G network) used in different networks.

Therefore, claim 1 is not made obvious over Madour et al. in view of Jiang et al. under 35 U.S.C. § 103(a).

Claim 4 is believed allowable for at least the same reasons as presented above with respect to claim 1 by virtue of their dependence from claim 1.

Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

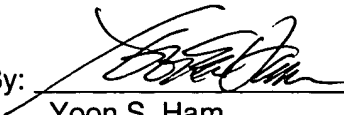
**Conclusion**

Therefore, all rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,

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